

1996 - Sec 800

800. FEDERAL ALLOWANCE AND READJUSTMENT PROGRAMS

Since 1972 three continuing Federal programs were enacted to provide assistance or incentive payments to workers either totally or partially unemployed as a result of reasons that cannot be attributed to the actions of any prior employer. Unlike the Federal-State unemployment insurance system, payments under these programs are solely through Federal funds and the conditions to be met for payment are governed by Federal law.

805 TRADE READJUSTMENT ALLOWANCES (TRA)

The Trade Act of 1974, as amended in 1993, is scheduled to expire September 30, 1998, and provides for adjustment assistance to workers who are unemployed or underemployed because of the adverse effect of increased imports as a result of trade arrangements permitted under the Act. Trade adjustment assistance (TAA) provided by the Act consists of trade readjustment allowances (TRA), relocation and job search allowances, and subsistence and transportation allowances during periods of approved training.

The Secretary of Labor has entered into agreements with State agencies whereby such agencies will act as agents for the Federal Government in paying TRA and other allowances to eligible workers. Payments and administrative costs are paid from Federal funds.

805.01 CERTIFICATION PROCESS.--Workers are certified as eligible to apply for TAA if a group of three or more workers, or a certified or recognized union or duly authorized representative petitions the Secretary of Labor for a determination of eligibility to apply for TAA and the secretary determines that the importation of competitive foreign products contributed importantly to the loss of employment at the firm mentioned in the worker's petition.

805.02 QUALIFYING REQUIREMENTS.--To qualify for TRA the worker must have had at least 26 weeks of employment at wages of at least \$30 a week within the 52-week period ending with the week of his total or partial separation from adversely affected employment. Such 26 weeks of employment must be in adversely affected employment with a single firm or a subdivision of a single firm. Under certain conditions up to 7 weeks of employer authorized leave or up to 26 weeks of the receipt of workers' compensation may be counted toward the 26 week employment requirement. The worker must have been entitled to unemployment insurance in an unemployment insurance benefit period in effect or established after the Trade-qualifying separation, and must have exhausted all rights to any unemployment insurance. Also, in order to receive TRA payments the workers must be participating in an approved training program unless it is determined that training is not feasible or appropriate. The worker, except while in approved training, must meet the extended benefits requirements for seeking and accepting employment.

805.03 DURATION.--TRA is payable at the State unemployment insurance rate over a 104-week eligibility period beginning with the first week after the worker's most recent TRA qualifying separation from employment. Any weeks of unemployment insurance paid or payable in the Trade-qualifying unemployment insurance benefit period are deducted from the 52 weeks of TRA payable. To permit the completion of approved training, up to 26 additional weeks of TRA may be paid.

805.04 SUBSISTENCE AND TRANSPORTATION ALLOWANCES.--An adversely affected worker may receive TRA while undergoing approved training. The worker may also receive subsistence and transportation allowances while attending training at a facility which is not within commuting distance of his residence.

805.05 RELOCATION ALLOWANCES.--Relocation allowances are payable to a totally separated worker who has no reasonable expectation of securing suitable work in the area in which he lives, and who has a bona fide offer of suitable work in the area in which he wishes to relocate. Relocation allowances consist of (1) a lump sum payment of up to \$800 and (2) 90 percent of the expenses incurred in moving the worker, and family and household effects to the location of his new job.

ALLOWANCES

805.06 JOB SEARCH ALLOWANCES.--Job search allowances are payable to a totally separated worker who has no reasonable expectation of securing suitable work in the area in which he lives, and who has a reasonable expectancy of securing suitable employment in the area of the proposed job search. Job search allowances consist of 90 percent of the cost of the necessary expenses incurred in the job search up to a maximum of \$800 under a single certification.

810 DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Section 410 authorizes the President to provide to any individual unemployed as a result of a major disaster such assistance as he deems appropriate while the individual is unemployed. Payments under this Act are made by State unemployment insurance agencies under agreements with the Secretary of Labor. Funds for both assistance payments and administrative costs are provided by the Federal Emergency Management Administration (FEMA) to the Secretary who, in turn, makes them available to the States.

810.01 ELIGIBILITY.--In general, the Regulations provide that individuals living or worker in those areas affected by a major disaster, who are unemployed because of the disaster, are eligible for DUA if they are not eligible for unemployment benefits or other wage replacement payments and meet certain requirements. Applications for DUA must be filed within thirty days of the Governor's announcement of a disaster in the State; the unemployment must be directly caused by the disaster; and individuals must be able and available for suitable work.

810.02 DISASTER ASSISTANCE PERIOD.--The disaster assistance period begins with the first week following the date the major disaster began. During the disaster assistance period, DUA is available to an individual as long as unemployment caused by the disaster continues or until he or she is reemployed in a suitable position, but no longer than 26 weeks after the major disaster is declared.

810.03 WEEKLY ASSISTANCE AMOUNT.--Except in Guam, American Samoa, Northern Mariana Islands, Marshall Islands, Micronesia and the Trust Territory of the Pacific Islands (Palau), the weekly disaster unemployment assistance amount is whichever of the following is greater: (1) the amount of the average weekly regular unemployment compensation payment (including allowances for dependents) in the State in which the major disaster occurred; or (2) the weekly amount to which an individual would have been entitled under the State law for a week of total unemployment had all his or her work and wages been included as employment and wages under such State law.

810.04 DEDUCTIONS.--The disaster unemployment assistance payable to an applicant for a week shall be reduced by the amount of any of the following that an applicant has received for the week or would receive for the week if he or she filed a claim or application: (1) any compensation or insurance from any source for loss of wages due to illness or disability; (2) supplemental unemployment benefits (SUB) pursuant to a collective bargaining agreement; (3) worker's compensation by virtue of death of head of household; and (4) the amount of retirement pension or annuity under a public or private retirement plan or system if such amount is deductible under the State law. In addition, the weekly DUA amount will be reduced by the amount of wages that the applicant earns in a week as determined by applying to the wages the earnings allowance for partial or part-total unemployment prescribed by the applicable State law.